

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In re:

**DUNCAN P. MCQUARRIE, JR.
ELISSA L. MCQUARRIE**

**Case No. 6:08-bk-10325-ABB
Chapter 7 case**

Debtors.
_____ /

**WINGS FINANCIAL FEDERAL
CREDIT UNION,**

Plaintiff,

v.

Adv. No.: 6:09-ap-00803-ABB

**DUNCAN P. MCQUARRIE, JR.,
and ELISSA L. MCQUARRIE,**

Defendants.
_____ /

**FINAL JUDGMENT OF NONDISCHARGEABILITY
AGAINST DUNCAN P. MCQUARRIE, JR.
WITH STAY OF EXECUTION THEREON**

This Adversary Proceeding came before the Court on the Amended Stipulation for Entry of Final Judgment of Nondischargeability With Stay Of Execution Thereon (the "Amended Stipulation") by Plaintiff, Wings Financial Credit Union, and Defendant, Duncan P. McQuarrie, Jr. (Doc. 14). The Court having considered the Stipulation and the pleadings in this adversary proceeding, and being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** as follows:

1. The Amended Stipulation is hereby approved and adopted.

2. Plaintiff, Wings Financial Credit Union ("Wings Financial"), whose address is 14985 Glazier Avenue, Suite 100, Apple Valley, MN 55124, shall recover from Defendant, Duncan P. McQuarrie, Jr. ("Mr. McQuarrie"), whose last known address is 4092 Tenita Dr, Winter Park, Florida 32792, the principal sum of Six Thousand Nine Hundred and 00/100 Dollars (\$6,900.00), which shall bear interest at the current statutory rate, for all of which let execution issue forthwith, subject, however, to the stay provisions set forth below.

3. This Final Judgment is hereby determined to be nondischargeable within the meaning of 11 U.S.C. § 523(a)(2)(A).

4. Notwithstanding anything set forth herein to the contrary, Wings Financial shall stay execution and levy upon the judgment entered pursuant hereto and shall not exercise any of its rights as a judgment creditor of Mr. McQuarrie provided Mr. McQuarrie makes the following payments to Wings Financial: commencing September 30, 2009, and continuing on or before the final day of each calendar month thereafter for sixty (60) consecutive calendar months, through and including August 31, 2014, the sum of One Hundred Fifteen and 00/100 Dollars (\$115.00). The foregoing payment shall be made by check or other immediately available funds payable to "Wings Financial Credit Union" and shall be mailed to: Wings Financial Credit Union, Attn: Collection Dept., 14985 Glazier Avenue, Ste 100, Apple Valley, MN 55124.

5. Upon receipt of the final payment set forth in Paragraph 4, Wings Financial shall promptly file a satisfaction of judgment.

6. Time is of the essence with respect to Mr. McQuarrie's obligations in this Final Judgment, including, without limitation, Mr. McQuarrie's obligations in Paragraph 4. All payment deadlines set forth in this Final Judgment shall be strictly enforced. In the event Wings Financial fails to receive a payment as set forth in Paragraph 4 on or before the due date, the stay imposed by

Paragraph 4 shall be automatically lifted without further hearing or notice to Mr. McQuarrie. In the event the stay imposed by Paragraph 4 is lifted, Wings Financial may collect all amounts remaining due on this Final Judgment, including interest from the date of this Final Judgment and attorney fees and costs incurred in obtaining and enforcing this Final Judgment.

DONE and ORDERED in Orlando, Florida on *December 28, 2009.*



ARTHUR B. BRISKMAN
United States Bankruptcy Judge

Copies furnished to:

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